REMARKS

Claims 13-16, 20-22, 43, 44, 46, 47, 49, 50, 53-60, 62-71, 73-75 and 77-79 presently appear in this case. Claims 47, 62-64, 70 and 71 have been allowed. Claims 46, 50, 53, 56-58, 65-68, 73-75 and 77-79 have been objected to as being dependent from a rejected base claim, but would be allowable if rewritten in independent form. The remaining claims have been rejected. The official action of April 17, 2007, has now been carefully studied. Reconsideration and allowance are hereby respectfully urged.

Briefly, the present invention relates to cDNA sequences that encode polypeptides that bind to TRAF2 as well as the polypeptides encoded by those DNA sequences. Preferably, the polypeptide is NIK. The invention also relates to antibodies, methods of identification and screening, and anti-sense DNA.

Claims 13-16, 20-22, 43-44, 49, 54-55, 59-60 and 69 remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The examiner states that the claims still encompass "fragment language" and in particular in claim 55 (iv), which encompasses fragments and in light of the language in claim 69 which refers to "an amino acid sequence" as opposed to "the amino acid sequence."

Claim 55 has now been amended to delete the hybridization clause, thus obviating this part of the rejection as it applies to claim 55 and those claims dependent therefrom. Furthermore, claim 69 has been amended to change "an amino acid sequence" to read "the amino acid sequence." The examiner conceded that this new language no longer reads on fragments. Accordingly, none of the present claims read on fragments. Again, the present amendments are made without prejudice toward the continuation of prosecution of fragments in a continuing application.

Accordingly, reconsideration and withdrawal of this rejection respectfully urged.

Claim 53 has been objected to under 37 CFR 1.75 as being a substantial duplicate of claim 20. The examiner states that they are so close in content that they both cover the same thing. This objection is respectfully traversed.

It is respectfully pointed out that claims 53 and 20 have substantially different scope. Claim 53 only narrows paragraph (a) of claim 69. Thus, in claim 69, the polypeptide of paragraph (a) could be either the sequence of SEQ ID NO:2 or SEQ ID NO:5 or the sequence encoded by SEQ ID NO:6. Claim 53 narrows paragraph (a) so as only to read on the peptide encoded by the nucleotide sequence of SEQ ID NO:6. However, paragraphs (b) and (c) refer to analogs and derivatives of the

polypeptide of paragraph (a). Thus, claim 53 encompasses analogs and derivatives of the polypeptide encoded by the nucleotide sequence of SEQ ID NO:6. There is nothing in claim 53 that excludes the analogs and derivatives of paragraphs (b) and (c), both of which refer to paragraph (a). Claim 53 only narrows paragraph (a), but does not limit the polypeptide to one in accordance with paragraph (a).

On the contrary, claim 20 specifies that said polypeptide of claim 53 is the polypeptide encoded by the nucleotide sequence of SEQ ID NO:6. Thus, claim 20 narrows claim 53 as it does not encompass analogs or derivatives.

In order to make absolutely explicit this intent, claim 53 has now been amended to physically insert paragraphs (b) and (c) from claim 69. Reconsideration and withdrawal of this objection is therefore respectfully urged.

Claim 60 has been rejected under 35 USC 102(e) as being anticipated by McElroy as evidenced by Branch. The examiner states the McElroy discloses an oligonucleotide of 88 base pairs in length which has a region which is 96% complementary to nucleotides 11-62 of SEQ ID NO:1. The examiner interprets this as being an oligonucleotide consisting of a sequence complementary to at least a portion of mRNA encoding a TRAF-2 binding polypeptide comprising the amino acid sequence of SEQ ID NO:2. The examiner also states

that SEQ ID NO:21 of McElroy is 96% complementary to nucleotides 11-62 of SEQ ID NO:1 of the present application. This rejection is respectfully traversed.

McElroy does not disclose an oligonucleotide consisting of a sequence complementary to a portion of the mRNA encoding a TRAF-2 binding polypeptide. The "consisting of" language excludes any other nucleotides that are not complementary to a potion of the mRNA in question. McElroy clearly includes additional nucleotides beyond the region that the examiner says is partially complementary to the presently referred to mRNA. Thus, McElroy cannot anticipate a claim limited to an oligonucleotide consisting of a sequence complementary to a portion of the mRNA encoding a TRAF-2 binding polypeptide comprising the amino acid sequence of SEQ ID NO:2.

The examiner states that the language "at least a portion of the mRNA" opens the claims to additional nucleotides that are not present in that portion. Respectfully, this is not the case. The term "at least a portion" reads only on a portion or the whole thing. It cannot be interpreted to open the claim to other nucleotides that are not complementary to a portion of the mRNA. In order to avoid any possible ambiguity, claim 60 has now been amended to specify that the oligonucleotide consists of (1) a sequence

complementary to a portion of the mRNA or (2) a sequence complementary to the entirety of mRNA. In neither case is this anticipated by McElroy. It is not believed that this amendment changes the scope of the claim in any way but it should now be clearer that McElroy does not anticipate. Accordingly, reconsideration and withdrawal of this rejection are respectfully urged.

It is submitted that all the claims now present in the case clearly define over the references of record and fully comply with 35 USC 112. Reconsideration and allowance are therefore earnestly solicited.

Respectfully submitted,

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